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EXAMINER

AFSHAR, KAMRAN

ART UNIT	PAPER NUMBER
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2617

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08/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/554,115

Applicant(s)

DOULTON, DANIEL MICHAEL

Examiner

KAMRAN AFSHAR

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 21 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 07/31/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 12 objected to because of the following informalities: Claim 12, recites "(IVR)" in the abbreviation form that they need to be clearly defined. Appropriate correction is required.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "(IVR)" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 11/627636. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the claimed limitations recited in the present application are transparently found in the copending application 11/627636 with obvious wording variations. Take an example of comparing claim 1 of pending application and claim 1 of copending application 11/627636:

Pending Application 10/554115	Co-pending application 11/627636
1. A method of managing <u>voice messages</u> using a <u>mobile telephone</u> , comprising the steps of: (a) a graphical user interface	1. A method of providing voicemail to a <u>mobile telephone</u> , in which a caller initiates a voice call to the <u>mobile telephone</u> .

<p>(GUI) being opened on the <u>mobile telephone</u>, the GUI individually listing remotely stored voice messages in a <u>menu list</u>, the voice messages being meant for a user of the <u>mobile telephone</u>;</p> <p>(b) enabling the user to select a <u>voice message from the list</u> to initiate playback on the telephone; wherein the GUI lists any voice messages that have <u>been converted to text</u> format and can display a menu list of selectable items that enable the user to initiate <u>parsing the converted text message and using the parsed data in an application running on the wireless information device</u>.</p>	<p>but that call is diverted to a voicemail server, with the caller then leaving a voice message on the voicemail server; the method comprising the steps of: (a) <u>converting the voice message</u> to an audio file format; (b) sending or streaming the audio file to a <u>voice to text transcription</u> system comprising at least one computer adapted to play back the <u>voice message</u> to an operator to enable the operator to intelligently transcribe the original <u>voice message</u> into the computer to generate a <u>transcribed text message</u>; (c) sending the transcribed text message to the <u>mobile telephone</u>; and comprising the further step of the telephone <u>parsing the transcribed text message and enabling the parsed data to be used in an application running on the mobile telephone</u>.</p>
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The claims of the application 10/554115 encompass the same subject matter except the instant "A method of managing voice messages using a mobile telephone" whereas the copending Application 11/627636 claims are to "A method of providing voicemail to a mobile telephone, in which a caller initiates a voice call to the mobile telephone, but that call is diverted to a voicemail server, with the caller then leaving a voice message on the voicemail server". Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to implement the copending Application 11/627636 "A method of providing voicemail to a mobile telephone, in which a caller initiates a voice call to the mobile telephone, but that call is diverted to a voicemail server, with the caller then leaving a voice message on the voicemail server" as a "A method of managing voice messages using a mobile telephone" because it was notoriously well known to utilize to methods, systems and apparatus for audio and visual messaging between two messaging devices wherein a communication device receives visual messages from a visual message originator device and transmits audio messages (e.g., voice messages) to the visual message originator device for playback.

Further, the instant claims obviously encompass the claimed invention of 11/627636 application and differ only in terminology. To the extent that the instant claims are broaden and therefore generic to

the claimed invention of 10/554115 application, in re Goodman, 29 USPQ 2d 2010 CAFC 1993, states that a generic claim cannot be issued without a terminal disclaimer, if a species claim has been previously been claimed in a co-pending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. Claims 1-16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 11/627609. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the claimed limitations recited in the present application are transparently found in the copending application 11/627609 with obvious wording variations. Take an example of comparing claim 1 of pending application and claim 1 of copending application 11/627609:

Pending Application 10/554115	Co-pending application 11/627609
1. A method of managing <u>voice messages</u> using a <u>mobile telephone</u> , comprising the steps of: (a) a graphical user interface (GUI) being opened on the <u>mobile telephone</u> , the GUI individually listing remotely stored <u>voice messages in a menu list</u> , the <u>voice messages</u> being meant for a user of the <u>mobile telephone</u> ; (b) enabling the user to select a <u>voice message from the list</u> to initiate playback on the telephone; wherein the GUI <u>lists any voice messages that have been converted to text format</u> and can display a menu list of selectable items that enable the user to <u>initiate parsing the converted text message and using the parsed data in an application running on the wireless information device</u> .	1. A method of providing voicemail to a <u>mobile telephone</u> , in which a caller initiates a voice call to the <u>mobile telephone</u> , but that call is diverted to a voicemail server, with the caller then leaving a <u>voice message</u> on the voicemail server; the method comprising the steps of: (a) <u>converting the voice message to an audio file format</u> ; (b) sending or streaming the audio file to a voice to text transcription system comprising at least one computer adapted to play back the <u>voice message</u> to an operator to enable the operator to intelligently transcribe the original <u>voice message</u> into the computer to generate a transcribed text message; (c) sending the transcribed text message to the <u>mobile telephone</u> ; and in which the transcribed <u>text message</u> includes a unique identification that links the text message to the <u>voice message</u> held at the voicemail server, to allow that <u>voice message</u> to be played back to the <u>mobile telephone</u> when an end-user of the <u>mobile telephone</u> selects or uses the unique identification.

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The claims of the application 10/554115 encompass the same subject matter except the instant **"A method of managing voice messages using a mobile telephone"** whereas the copending Application 11/627636 claims are to **"A method of providing voicemail to a mobile telephone, in which a caller initiates a voice call to the mobile telephone, but that call is diverted to a voicemail server, with the caller then leaving a voice message on the voicemail server"**. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to implement the copending Application 11/627609 **"A method of providing voicemail to a mobile telephone, in which a caller initiates a voice call to the mobile telephone, but that call is diverted to a voicemail server, with the caller then leaving a voice message on the voicemail server"** as a **"A method of managing voice messages using a mobile telephone"** because it was notoriously well known to utilize to methods, systems and apparatus for audio and visual messaging between two messaging devices wherein a communication device receives visual messages from a visual message originator device and transmits audio messages (e.g., voice messages) to the visual message originator device for playback.

Further, the instant claims obviously encompass the claimed invention of 11/627609 application and differ only in terminology. To the extent that the instant claims are broaden and therefore generic to the claimed invention of 10/554115 application, in re Goodman, 29 USPQ 2d 2010 CAFC 1993, states that a generic claim cannot be issued without a terminal disclaimer, if a species claim has been previously been claimed in a co-pending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

6. Claims 1-16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 11/627590. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the claimed limitations recited in

the present application are transparently found in the copending application 11/627590 with obvious wording variations. Take an example of comparing claim 1 of pending application and claim 1 of copending application 11/627590:

Pending Application 10/554115	Co-pending application 11/627590
1. A method of managing <u>voice messages</u> using a <u>mobile telephone</u> , comprising the steps of: (a) a graphical user interface (GUI) being opened on the <u>mobile telephone</u> , the GUI individually listing remotely stored <u>voice messages in a menu list</u> , the voice messages being meant for a user of the <u>mobile telephone</u> ; (b) enabling the user to select a <u>voice message from the list</u> to initiate playback on the telephone; wherein the GUI <u>lists any voice messages that have been converted to text format</u> and can display <u>a menu list of selectable items</u> that enable the user to <u>initiate parsing the converted text message and using the parsed data in an application running on the wireless information device</u> .	1. A method of providing voicemail to a <u>mobile telephone</u> , in which a caller initiates a voice call to the <u>mobile telephone</u> , but that call is diverted to a voicemail server, with the caller then leaving a <u>voice message</u> on the <u>voicemail</u> server; the method comprising the steps of: (a) <u>converting the voice message to an audio file format</u> ; (b) sending or streaming <u>the audio file to a voice to text transcription system</u> comprising at least one computer adapted to play back the <u>voice message</u> to an operator to enable the operator to intelligently transcribe the original <u>voice message</u> into the computer to generate a transcribed <u>text message</u> ; (c) sending the transcribed <u>text message to the mobile telephone</u> ; and in which the computer provides the operator with a <u>searchable list</u> of specialised terms that are relevant to cultural sayings, regular events, sporting events, media events, or other kinds of newsworthy events to assist the operator in accurately transcribing those specialised terms.

The claims of the application 10/554115 encompass the same subject matter except the instant **"A method of managing voice messages using a mobile telephone"** whereas the copending Application 11/627590 claims are to **"A method of providing voicemail to a mobile telephone, in which a caller initiates a voice call to the mobile telephone, but that call is diverted to a voicemail server, with the caller then leaving a voice message on the voicemail server"**. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to implement the copending Application 11/627590 **"A method of providing voicemail to a mobile telephone, in which a caller initiates a voice call to the mobile telephone, but that call is diverted to a voicemail server, with**

the caller then leaving a voice message on the voicemail server” as a “A method of managing voice messages using a mobile telephone” because it was notoriously well known to utilize to methods, systems and apparatus for audio and visual messaging between two messaging devices wherein a communication device receives visual messages from a visual message originator device and transmits audio messages (e.g., voice messages) to the visual message originator device for playback.

Further, the instant claims obviously encompass the claimed invention of 11/627590 application and differ only in terminology. To the extent that the instant claims are broaden and therefore generic to the claimed invention of 10/554115 application, in re Goodman, 29 USPQ 2d 2010 CAFC 1993, states that a generic claim cannot be issued without a terminal disclaimer, if a species claim has been previously been claimed in a co-pending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7. Claims 1-16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 11/627596. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the claimed limitations recited in the present application are transparently found in the copending application 11/627596 with obvious wording variations. Take an example of comparing claim 1 of pending application and claim 1 of copending application 11/627596:

Pending Application 10/554115	Co-pending application 11/627596
1. A method of managing <u>voice messages</u> using a <u>mobile telephone</u> , comprising the steps of: (a) a graphical user interface (GUI) being opened on the <u>mobile telephone</u> , the GUI individually listing remotely stored <u>voice messages in a menu list</u> , the <u>voice messages</u> being meant for a user of the <u>mobile telephone</u> ; (b) enabling the user to select a <u>voice message from the list</u> to initiate playback on the telephone; wherein the GUI lists any voice messages that have	1. A method of providing <u>voicemail</u> to a <u>mobile telephone</u> , in which a caller initiates a voice call to the <u>mobile telephone</u> , but that call is diverted to a voicemail server, with the caller then leaving a <u>voice message</u> on the voicemail server; the method comprising the steps of: (a) <u>converting the voice message to an audio file format</u> ; (b) sending or streaming the <u>audio file to a voice to text transcription system</u> comprising a computer adapted to play back the <u>voice message</u> to an operator to enable the operator to intelligently

<u>been converted to text</u> format and can display <u>a menu list of selectable items</u> that enable the user to initiate parsing the <u>converted text message and using the parsed data in an application running on the wireless information device.</u>	transcribe the original <u>voice message</u> into the computer to generate a transcribed <u>text message</u> ; (c) sending the transcribed <u>text message</u> to the <u>mobile telephone</u> ; and in which the transcribed text message includes caller identification data, such as a telephone number or caller name.
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The claims of the application 10/554115 encompass the same subject matter except the instant "A method of managing voice messages using a mobile telephone" whereas the copending Application 11/627596 claims are to "A mobile telephone, in which a caller initiates a voice call to the mobile telephone, but that call is diverted to a voicemail server, with the caller then leaving a voice message on the voicemail server". Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to implement the copending Application 11/627596 "A mobile telephone, in which a caller initiates a voice call to the mobile telephone, but that call is diverted to a voicemail server, with the caller then leaving a voice message on the voicemail server" as a "A method of managing voice messages using a mobile telephone" because it was notoriously well known to utilize to methods, systems and apparatus for audio and visual messaging between two messaging devices wherein a communication device receives visual messages from a visual message originator device and transmits audio messages (e.g., voice messages) to the visual message originator device for playback.

Further, the instant claims obviously encompass the claimed invention of 11/627596 application and differ only in terminology. To the extent that the instant claims are broaden and therefore generic to the claimed invention of 10/554115 application, in re Goodman 29 USPQ 2d 2010 CAFC 1993, states that a generic claim cannot be issued without a terminal disclaimer, if a species claim has been previously been claimed in a co-pending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

8. Claims 1-16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 11/627926. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the claimed limitations recited in the present application are transparently found in the copending application 11/627926 with obvious wording variations. Take an example of comparing claim 1 of pending application and claim 1 of copending application 11/627596:

Pending Application 10/554115	Co-pending application 11/627926
<p>1. A method of managing <u>voice messages</u> using a <u>mobile telephone</u>, comprising the steps of: (a) a graphical user interface (GUI) being opened on the <u>mobile telephone</u>, the GUI individually listing remotely stored <u>voice messages</u> in a <u>menu list</u>, the <u>voice messages</u> being meant for a user of the <u>mobile telephone</u>; (b) enabling the user to select a <u>voice message</u> from the list to initiate playback on the telephone; wherein the GUI lists <u>any voice messages that have been converted to text</u> format and can display <u>a menu list of selectable items</u> that enable the user to <u>initiate parsing the converted text message and using the parsed data in an application running on the wireless information device</u>.</p>	<p>1. A method of providing voicemail to a <u>mobile telephone</u>, in which a caller initiates a voice call to the <u>mobile telephone</u>, but that call is diverted to a <u>voicemail server</u>, with the caller then leaving a <u>voice message</u> on the <u>voicemail server</u>; the method comprising the steps of: (a) <u>converting the voice message</u> to an <u>audio file format</u>; (b) sending or streaming the <u>audio file over a wide area network to a voice to text transcription system</u> comprising a network of computers; (c) one of the networked computers playing back the <u>voice message</u> to an operator; (d) the operator intelligently transcribing the original <u>voice message</u> into the computer to generate a transcribed SMS or MMS <u>text message</u>; (e) the operator causing the transcribed SMS or MMS <u>text message</u> to be sent to the <u>mobile telephone</u>; (f) sending the SMS or MMS <u>text message</u> to the <u>mobile telephone</u>.</p>

The claims of the application 10/554115 encompass the same subject matter except the instant "A method of managing voice messages using a mobile telephone" whereas the copending Application 11/627926 claims are to "A method of providing voicemail to a mobile telephone, in which a caller initiates a voice call to the mobile telephone, but that call is diverted to a voicemail server, with the caller then leaving a voice message on the voicemail server". Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to implement the copending

Application 11/627926 **“A method of providing voicemail to a mobile telephone, in which a caller initiates a voice call to the mobile telephone, but that call is diverted to a voicemail server, with the caller then leaving a voice message on the voicemail server”** as a **“A method of managing voice messages using a mobile telephone”** because it was notoriously well known to utilize to methods, systems and apparatus for audio and visual messaging between two messaging devices wherein a communication device receives visual messages from a visual message originator device and transmits audio messages (e.g., voice messages) to the visual message originator device for playback.

Further, the instant claims obviously encompass the claimed invention of 11/627926 application and differ only in terminology. To the extent that the instant claims are broaden and therefore generic to the claimed invention of 10/554115 application, in re Goodman, 29 USPQ 2d 2010 CAFC 1993, states that a generic claim cannot be issued without a terminal disclaimer, if a species claim has been previously been claimed in a co-pending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-3, 7-8, 12-13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Helferich (U.S. Patent 6,826,407 B1).

With respect to claim 1 Helferich teaches a method of managing voice messages using a mobile telephone (See Helferich e.g. 145 / 140 of Figs. 1-3 & 5), comprising the steps of: (a) a graphical user interface (GUI) being opened (See Helferich e.g. display message option, user interface 356 (of Fig. 3) to display visual messages, Co. 9, Lines 7-10) on the mobile telephone, the GUI individually listing remotely stored (See Helferich e.g. 510 of Fig. 5, the voice messages received and stored, Co. 13, Lines 43-45) voice messages in a (See Helferich e.g. display stored visual message, Co. 9, Lines 7-10) menu list, the voice messages being meant for a user of the mobile telephone (See Helferich e.g. address list is a visual message, Co. 18, Lines 43-46, menu option, Co. 6, Line 7); (b) enabling the user to select a voice message from the list to initiate (See Helferich e.g. select a display message option, Co. 9, Lines 7-10), playback on the telephone (See Helferich e.g. play option as shown in Fig. 7 displayed on the mobile phone 145 / 140 of Figs. 1-3 & 5) ; wherein the GUI lists any voice messages that have been converted to text format (See Helferich e.g. converts the voice message to an acceptable format, Co. 17, Lines 24-27, Also See read / convert step 648 of Fig. 618 of Fig. 6B, step 648 of Fig. 6C) and can display a menu list (See Helferich e.g. address list is a visual message, Co. 18, Lines 43-46, menu option, Co. 6, Line 7) of selectable items that enable the user to initiate parsing the converted text message (See upon receiving the list messages, controller 357 (of Fig. 3) parses the message, Co. 59-64) and using the parsed data (See Helferich e.g. parses to obtain names, corresponding addresses (i.e. data), Co. 18, Lines 59-64) address list is a visual message, Co. 18, Lines 43-46, menu option, Co. 6, Line 7) in an application running on the wireless information device (See Helferich e.g. software instructions, for enabling the mobile 145 / 140 (of Figs. 1-3 & 5), Co. 8, Lines 1-3).

Regarding claim 2, Helferich the GUI also enables the user to configure call diversion behaviour (See Helferich e.g. mobile caller diverted to a voice mail system or answering device, Co. 2, Lines 55-57).

Regarding claim 3, Helferich teaches the menu list of remotely stored voice messages is generated after the mobile telephone connects to a voicemail server on which the voice messages are remotely stored (See Helferich e.g. 510 of Fig. 5, the voice messages received and stored, Co. 13, Lines 43-45).

Regarding claim 7, Helferich teaches the GUI lists the name of a person leaving a voice message or their telephone number (See Helferich e.g. mobile receives the message data including: name, address and or number, or telephone number, Co. 9, Lines 28-40).

Regarding claim 8, Helferich teaches which the GUI displays a menu list with one or more of the following selectable options: play all voice messages; delete all voice messages; mark all voice messages as heard; forward all voice messages; store all voice messages (See Helferich e.g. the user may be given the option to review the message, delete the message, re-record the message, etc., Co. 12, Lines 4-7, forwarding message, Co. 15, Lines 15, Lines 13-16).

Regarding claim 12, Helferich teaches the telephone displays synchronised aural prompts to facilitate a user speaking the command they want executed the user simply activates a reply command (e.g., the user can press a "reply" button or select a "reply" menu option) and then speaks a voice message into the mobile communication device microphone (See Helferich e.g. Co. Co. 6, Lines 5-9).

Regarding claim 13, Helferich teaches the GUI further enables those voice messages converted to text format to be selected to cause the text format message to be displayed (See Helferich e.g. converts the voice message to an acceptable format, Co. 17, Lines 24-27, Also See read / convert step 648 of Fig. 618 of Fig. 6B, step 648 of Fig. 6C).

Regarding claim 16, Helferich teaches mobile telephone programmed (See Helferich e.g. software instructions, for enabling the mobile 145 / 140 (of Figs. 1-3 & 5), Co. 8, Lines 1-3) to perform the method of claim 1 (See Helferich e.g. 145 / 140 of Figs. 1-3 & 5).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4-6, 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helferich (U.S. Patent 6,826,407 B1) in view of Siedlikowski (U.S. Patent 6, 7141, 232 B1).

Regarding claims 4, Helferich teaches everything as discussed above in the rejected claim 1. Further, Helferich teaches that there are many variations for text messaging in mobile telephones and there are many formats in which the text messages may be transmitted and enabling a wireless mobile telephone to communicate via TTML (Tagged Text Mark up Language) and WAP (Wireless Application Protocol) (See Helferich e.g. Co. 8, Lines 11-13, 19-22) and there are many configurations for receiving visual messages by mobile telephone (See Helferich e.g. 24-25). However, Helferich does not explicitly teach that the GUI is a hierarchical interface which, at a first or second level, lists the number of stored voice messages in an in-box and or in which the interface lists at a first or second level whether the received voice messages are new or have been listened to. In an analogous field of endeavor, Siedlikowski teaches similar GUI (See Siedlikowski e.g. Figs. 1-14, Co. 1, Lines 9-10, select information from a GUI generated on the display, Co. 3, Lines 10-14) and the concept of the that the GUI is a hierarchical interface which (See Siedlikowski e.g. the GUI manages messages in a mobile filing system in their hierarchies, Co. 6, Lines 28-31), at a first or second level, lists the number of stored voice messages in an in-box (See Siedlikowski e.g. number of messages in the outbox, Co. 5, Lines 50-55) or in which the interface lists at a first or second level whether the received voice messages are new or have been listened to (See Siedlikowski e.g. the number of unread messages in the inbox, Co. 5, Lines 50-55). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to provide above teaching of Siedlikowski to Helferich to provide a method or a GUI which would conveniently display various types of information including the number of read and / or unread messages in the inbox of the GUI (See e.g. Siedlikowski e.g. Co. 5, Lines 50-55 so that it would be allow a user to manage messages in a mobile filing system that mirrors their server based information hierarchies (See Co. 6, Lines 30-31) so that the information or data can be presented to the user in a more compact, intelligent and efficient manner as suggested (See Siedlikowski e.g. Co. 1, Lines 29-30).

Regarding claim 6, Siedlikowski teaches the interface is an inbox view with folders for storage/retrieval of voice messages (See Siedlikowski e.g. folder Navigator, folder list, standard folders, individual folders, etc., Co. 6, Lines 28-41).

Regarding claim 9, it is obvious that which the GUI is a hierarchical interface (See Siedlikowski e.g. the GUI manages messages in a mobile filing system in their hierarchies, Co. 6, Lines 28-31) which displays a menu list of selectable items (See Siedlikowski e.g. menu, item selection, etc., Co. 3, Lines 56-63) that enable the user to initiate further actions in respect of a selected voice message (See Helferich e.g. select a send messages function, Co. 12, Lines 39-45).

Regarding claim 15, it is obvious that teaches which parsing and using the parsed data (See upon receiving the list messages, controller 357 (of Fig. 3) parses the message, Co. 59-64) involves one or more of the following: (a) extracting the phone number spoken allowing it to be used (to make a call), saved, edited or added to a phone book (See Siedlikowski e.g. action menu: save, delete, etc., item selection, address book Name lookup, Co. 3, Lines 47-65); (b) extracting an email address and allowing it to be used, saved, edited or added to an address book (See Helferich e.g. user elect to save, "add list", store in the address book, Vo. 18, Lines 23-25); (c) extracting a physical address and allowing it to be used (See Helferich e.g. obtain, name, address, etc., Co. 16, Lines 50-52), saved, edited or added to an address book (See Helferich e.g. search, address book, Co. 10, Lines 62-63); (d) extracting a web address (hyperlink) and allow it to be used, edited, saved or added to an address book (See Helferich e.g. user elect to save, "add list", store in the address book, Vo. 18, Lines 23-25) or browser favourites. (e) extracting a time (See Helferich e.g. time at which the message was sent or delivered may also be displayed on the display screen, Co. 10, Lines 39-40) for a meeting and allow it to be used, saved, edited and added to an agenda as an entry (f) extracting a number and saving it to one of the device applications (See (g) extracting a real noun and providing options to search for it or (See Helferich e.g. search, address book, Co. 10, Lines 62-63), look it up on the web (WAP or full browser) (See Helferich e.g. software instructions, for enabling the mobile 145 / 140 (of Figs. 1-3 & 5), Co. 8, Lines 1-3, WAP Wireless Application Protocol) (See Helferich e.g. Co. 8, Lines 11-13, 19-22).

Allowable Subject Matter

13. Claims 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claim 10, the prior art of record fails to disclose singly or in combination or render obvious that the further actions are selected from the list: erase voice message; next voice message; fast forward through voice message; rewind through voice message; play previous voice message; store a message; call back to sender of voice message; open up text messaging application; forward voice message; add caller's telephone number to contacts.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Cloutier (U.S. Pub. No.: 2003/0095642 A1).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, **Eng, George** can be reached @ (571) 272-7495. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kamran Afshar/

Examiner, Art Unit 2617